

ORDINANCE NO. 87

AN ORDINANCE OF THE VILLAGE OF MALCOLM, NEBRASKA, REGULATING THE LOCATION AND USE OF BUILDINGS, STRUCTURES AND LAND; THE SIZE OF YARDS, COURTS AND OTHER OPEN SPACES; THE DENSITY AND DISTRIBUTION OF POPULATION; CREATING DISTRICTS FOR SAID PURPOSES, AND ESTABLISHING THE BOUNDARIES THEREOF; PROVIDING THE METHOD OF ADMINISTRATION AND AMENDMENTS; PROVIDING FOR A ZONING BOARD OF ADJUSTMENT; PROVIDING FOR THE IMPOSITION OF PENALTIES FOR THE VIOLATION OF THE PROVISIONS IN THE ORDINANCE PROVIDING A SEVERABILITY CLAUSE; AND, REPEALING CODES AND ORDINANCES IN CONFLICT HEREWITH.

For the purposes listed in Nebraska Revised Statutes, Section 19-901 and 19-903, the Village Board of Trustees of Malcolm, Nebraska ordains zoning regulations as follows:

SECTION I - ZONING INTERPRETATION

The regulations for the zoning districts as herein set forth are made in accordance with a comprehensive development plan and the provisions of this ordinance shall be held to be minimum requirements adopted to promote the health, morals, or the general welfare of the Village. This ordinance shall not repeal, impair or modify private covenants or public ordinances, except that it shall apply whenever it imposes more stringent restrictions on land use.

SECTION II - DEFINITIONS

For the purpose of this ordinance certain terms and words are herewith defined. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular. The word "shall" is mandatory.

1. Accessory Use or Structure. A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.
2. Automobile Salvage Yard. See Junk Yard.
3. Apartment. See Dwelling, Multiple-Family.
4. Board. Village Board of Trustees of Malcolm.
5. Board of Adjustment. Malcolm Board of Adjustment.
6. Building. A structure designed or intended for the support, enclosure, shelter or protection of persons, animals, or property of any kind.
7. Building Inspector. Malcolm Building Inspector.
8. Planning Commission. Malcolm Planning Commission.
9. Dwelling. Any building or portion thereof which is designed for and used exclusively for residential purposes.
10. Dwelling, Single-Family. A detached residence designed for or occupied by one (1) family only.
11. Dwelling, Two-Family. A residence designed for or occupied by two (2) families only, with separate housekeeping and cooking facilities for each.
12. Dwelling, Multiple-Family. A residence designed for or occupied by three (3) or more families, with separate

- housekeeping and cooking facilities for each.
13. Dwelling, Farm. A dwelling designed for and used by farm owners, their families, tenants and employees.
 14. Dwelling, Non-Farm. A dwelling other than a farm dwelling.
 15. Dwelling, Seasonal. Dwellings designed and used for seasonal use and occupancy and is not the primary place of residence of the occupants.
 16. Family. One (1) or more persons occupying a single housekeeping unit and using common cooking facilities, provided that unless all members are related by blood or marriage, no such family shall contain over five (5) persons.
 17. Height, Building. The vertical distance from the established average grade, street grade, or finished grade at the building line, whichever is highest, to the point of the building; provided, that antennae and aerials shall not be considered in this computation.
 18. Home Occupation. An occupation or profession which is customarily carried entirely within a dwelling unit, using not more than fifty percent (50%) of the floor area of the dwelling unit, provided that:
 - (a) It is clearly incidental and secondary to the use of the dwelling unit for residential purposes.
 - (b) It has no exterior display, no exterior sign, except a non-illuminated sign of not more than two (2) square feet, no exterior storage and no other exterior indications of the home occupation or variations from the residential character of the principle building.
 - (c) No article is sold or offered for sale except such as may be produced on the premises by members of the immediate family residing on the premises.
 - (d) Mechanical equipment used shall only include that normally used in or found in a residential dwelling, which shall include facilities for doctors and dentists offices, and produces no offensive noise, vibration, smoke, dust, odors, heat or glare.
 19. Junk Yard. Any area where waste, junk, discarded or salvaged materials are bought, sold, stored, exchanged, baled or packed, disassembled or handled, including dismantling or "wrecking" of automobiles or other vehicles or machinery, house wrecking, and structural steel materials and equipment.
 20. Livestock Feedlot. A relatively confined area where domestic farm animals normally having four legs, or fowl normally having two legs, are subjected to intensive feeding methods.
 21. Lot. For zoning purposes as covered by this ordinance, a lot is a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage and areas, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on a public street, except as herein provided, and may consist of:
 - (a) A single lot of record;
 - (b) A portion of a lot of record;
 - (c) A combination of complete lots of record, of complete

lots of record and portions of lots of record, or of portions of lots of record.

- (d) A parcel of land described by meets and bounds; provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this ordinance.
- 22. Lot of Record. A lot or parcel of land, the deed of which has been recorded in accordance with law.
- 23. Lot Width. The width of a lot measured at the rear of the required front yard.
- 24. Motel. A building or group of buildings on the same lot, containing guest units with separate entrances and consisting of individual sleeping quarters and baths, detached or in connected rows, with or without cooking facilities, for rental to transients.
- 25. Parking Space. An off-street parking space shall comprise not less than one hundred eighty (180) square feet of parking stall, plus necessary maneuvering space. Space for maneuvering incidental to parking or unparking shall not encroach upon any public way. Every off-street parking space shall be accessible from a public street.
- 26. Recreation Areas, Private. Recreation areas, facilities, and cabin sites, either owned or leased by a non-profit organization, club, fraternal group or church for use by its members and guests.
- 27. Recreation Areas, Commercial. Privately owned and operated recreational areas, facilities, including camping areas or cabins, which are generally open to the public for a fee on a commercial basis.
- 28. Sanitary Land Fill. A type of operation in which garbage and refuse, or garbage or refuse, is deposited by a plan on a specified portion of land, is compacted by force applied by mechanical equipment, and then is covered by compacted suitable covering material to a depth of at least six inches over individual cells of garbage and refuse, or garbage or refuse, which are closed at the end of each day, and to a depth of at least twenty-four (24) inches over the finished landfill.
- 29. Sign. Any device containing elements or symbols, organized or related, which is designed to inform or to attract the attention of persons not on the premises on which the sign is located, provided, however, that mail box numbers or names, government flags or insignia, legal notices, governmental identification, information or directional signs shall not be included in the application of this ordinance.
- 30. Sign, On-Site. A sign relating in its subject matter to the premises on which it is located, or to products, accommodations, services, or activities on the premises, or the construction, sale, lease or rental of the premises. On-site signs do not include outdoor advertising signs or billboards.
- 31. Sign, Off-Site. A sign other than an on-site sign, and includes an outdoor advertising sign, or device and billboard not relating in its subject matter to the use or activity of the premises on which the sign is located.





32. **Street.** Any thoroughfare or public way which has been dedicated to the public or deeded to the Village, County or State for street purposes, not less than forty (40) feet in width.
33. **Structure.** Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, trailers and walls.
34. **Trailer.** Any vehicle or similar portable structure designed for occupancy as a dwelling, or for sleeping purposes, having as its original foundation either wheels or jacks, and shall include house trailers and trailer coaches.
35. **Trailer Court.** Any lot or portion of a lot upon which two (2) or more trailers, occupied for dwelling or for sleeping purposes, having as its original foundation either wheels or jacks, and shall include house trailers and trailer coaches.
36. **Variance.** Relief from the dimensional requirements of this Ordinance granted by the Zoning Board of Adjustment in accordance with Section 19-910, Revised Statutes Supplement, 1967.
37. **Village.** Malcolm, Nebraska.
38. **Yard.** A required open space which is unobstructed from the ground upward, except as otherwise provided in this ordinance.
39. **Yard, Front.** An open space extending between side lot lines and measured horizontally from the front lot line at right angles to the nearest point of the structure.
40. **Yard, Side.** An open space between a structure and the side lot line extending from the rear line of the required front yard to the rear lot line, measured horizontally and at right angles from the side lot line to the nearest point of the building.
41. **Yard, Rear.** An open space between the two (2) inner side yard lines measured horizontally and at right angles from the rear lot line to the nearest point of the structure.

SECTION III - ZONING DISTRICTS AND MAP

1. Four zoning districts are provided as follows:
 - Agricultural (A)
 - Residential Residence (R-1)
 - Commercial
 - Industrial
2. The official zoning map is an integral part of this ordinance. The single copy of this map, entitled "Village of Malcolm Official Zoning Map", together with a copy of this ordinance, shall be kept by the Village Clerk and shall be available for public inspection. Any changes in zoning district boundaries shall be recorded on the map. No such change shall be effective until so recorded, and until a duly certified and attested certification describing the change is filed with the map.
3. Where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the Zoning map, the following rules shall apply:
 - a. Where district boundaries are indicated as approximately following the center lines of streets, highways, street



LEGEND:

-  AGRICULTURAL DISTRICT
-  RESIDENTIAL DISTRICT
-  COMMERCIAL DISTRICT
-  INDUSTRIAL DISTRICT

GRANANCE NO. & DATE	REVISION DATE	SAVOR SIGNATURE
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CAPITAL LIGHT 1400

This finding was duly passed by Justice Gaudin on January 3, 1970 by Ordinance No. 87, by the Village Board of Tremont, Michigan, Monroe.

Dated this 1st day of January, 1941.

~~Estimate, Board of Trustees~~

- or railroad right-of-way lines, or said lines extended, such lines shall be construed to be such boundaries.
- b. Where district boundaries are so indicated that they approximately follow lot lines, such lot lines shall be construed to be said boundaries.
 - c. Where district boundaries are so indicated that they are approximately parallel to the center lines of the streets, highways, or railroads, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the Zoning Map. If no distance is given, such dimension shall be determined by use of the scale shown on said Zoning Map.
 - d. Where a district boundary line divides a lot in single ownership, the district boundary lines shall be determined by the use of the scale or dimensions shown on the Zoning Map.
 - e. Where physical or cultural features existing on the ground are in variance with those shown on the Zoning Map, or in other circumstances not covered previously in this section, the Zoning Board of Adjustment shall interpret the district boundaries.

SECTION IV - GENERAL PROVISIONS

- 1. After the adoption of this ordinance, no lot area shall be so reduced that the dimensions and yard requirements imposed by this ordinance cannot be met.
- 2. Setback, lot size and other dimensional requirements applicable to the various zoning districts are indicated in this ordinance.
- 3. Accessory buildings shall not occupy more than thirty (30) percent of the required area for the rear yard. Any accessory building projected forward of the rear yard setback line of the principal building shall satisfy the same side yard requirements as the principal building.
- 4. No lot shall have more than one principal building, except for residential developments with multiple-family rental structures.
- 5. Every part of the required area of a yard shall be open to the sky unobstructed, except for accessory buildings and the ordinary projections of sill, cornices, and ornamental features. Fire escapes may project into a required yard area not more than five feet.
- 6. In each quadrant of every street intersection there shall be designated a vision clearance triangle bounded by the inner street lines and a line connecting points 35 feet from their intersection measured along their centerlines. Within this triangle no object shall be allowed above a height of two and one-half feet above the streets if it obstructs the view across the triangle.
- 7. A corner lot shall be considered to have a front yard on each street and shall conform to the front yard required in that district, except that on one of these frontages the principal building may extend ten (10) feet beyond the front yard setback line normally required.

SECTION V - CONDITIONAL USES

1. The Board of Trustees may authorize a conditional use permit for conditional uses specified in this ordinance, after review and a public hearing, provided such uses are in accordance with the purpose and intent of this ordinance.
2. Application for conditional use permits shall be submitted to the Village Clerk and shall be accompanied by a plan showing location, size, and shape of the lot(s) involved, and of any proposed structures, and the existing and proposed use of each structure and lot. The cost of conditional use permits shall be established by the Village Board of Trustees.
3. The Board of Trustees shall review the site; existing and proposed structures; architectural plans; adjacent land uses; parking areas; driveway locations; highway access; traffic generation and circulation; drainage, sewage, and water systems; and proposed operations.
4. Conditions related to landscaping, architectural design, type of construction, construction commencement and completion dates, sureties, lighting, fencing, operational control, hours of operation, traffic circulation, deed restrictions, access restrictions, increased yards and parking requirements may be required by the Board of Trustees upon its finding that such conditions are necessary to fulfill the purposes and intent of this ordinance.
5. Conditional uses shall comply with all other provisions of this ordinance, such as lot width and area, yards, height, parking and loading.
6. Conditional use permits shall be issued for not more than one year at a time, or such lesser time as prescribed by the Board of Trustees.

SECTION VI - SIGNS

1. No sign shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered without a land use permit (except in those instances listed elsewhere in Section VI), and without being in conformity with the provisions of this ordinance.
2. All signs are prohibited in the A and R-1 Districts, except the following:
 - a. Signs over show windows or doors of a nonconforming business establishment announcing without display or elaboration only the name and occupation of the proprietor, and not to exceed four (4) square feet.
 - b. Real estate signs, not to exceed four (4) square feet in area, which advertise the sale, rental, or lease of the premises upon which said signs are temporarily located.
 - c. Name, occupation, and warning signs not to exceed two (2) square feet, located on the premises.
 - d. Bulletin boards for public, charitable, or religious institutions, not to exceed eight (8) square feet in area, located on the premises.
 - e. Memorial signs, tablets, names of buildings, and date of erection, when cut into any masonry surface, or when constructed of metal and affixed flat against a structure.

- f. Official signs, such as traffic control, parking restriction, information and notices.
 - g. Temporary signs or banners when authorized by the Planning Commission.
3. Signs are permitted in the Commercial and Industrial Districts, subject to the following restrictions:
- a. Wall signs placed against the exterior walls of buildings shall not extend more than six (6) inches out from a building's wall surface; shall not exceed a total of two hundred (200) square feet in area or 40 percent of the wall surface (whichever is smaller) for any one premise, and shall not extend above the wall on which it is placed.
 - b. Projecting signs fastened to, suspended from or supported by structures shall not exceed twenty (20) square feet in area for any one premises, shall not extend more than six (6) feet into any required yard, shall not extend more than three (3) feet into any public right of way, shall not be less than ten (10) feet from all side lot lines, shall not exceed a height of twenty (20) feet above the mean centerline street grade, and shall not be less than (10) feet above a driveway or an alley.
 - c. Ground signs shall not exceed twenty (20) feet in height above the mean centerline street grade, shall meet all requirements for the district in which it is located, shall not exceed one hundred (100) square feet on one side nor two hundred (200) square feet on all sides for any one premises.
 - d. Roof signs shall not exceed ten (10) feet in height above the roof, shall meet all the yard and height requirements for the district in which it is located, and shall not exceed three hundred (300) square feet on all sides for any one premises.
 - e. Window signs shall be placed only on the inside of commercial buildings and shall not exceed twenty-five (25) percent of the glass area of the pane upon which the sign is displayed.
 - f. Combinations of any of the above signs shall meet all the requirements for the individual sign.
4. Signs shall not resemble, imitate, or approximate the shape, size, form or color of railroad or traffic signs, signals or devices. Signs shall not obstruct or interfere with the effectiveness of railroad or traffic signs, signals, or devices. No sign shall be erected, relocated, or maintained so as to prevent free ingress to or egress from any door, window, or fire escape, and no sign shall be attached to a standpipe or fire escape. No sign shall be placed so as to obstruct or interfere with traffic visibility. No sign shall be located off the premises of the establishment to which it refers, except as provided for in paragraphs 2b and 3b of this section.

SECTION VII-NONCONFORMING USE

After the effective date of this ordinance, land or structures, or the uses of land or structures, that would be prohibited

under the regulations of the district in which they are located, shall be considered as nonconforming. It is the intent of this Ordinance to permit these nonconforming uses to continue, provided they conform to the following provisions, except that all nonconforming signs shall be removed by January 1, 1989.

1. No existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered, except in changing the use of the structure to a use permitted in the district in which it is located.
2. If no structural alterations are made, any nonconforming use of a structure, or structure and premises, may be changed to another nonconforming use provided that the Village Board, either by general rule, or by making findings in the specific case, shall find that the proposed use is equally appropriate, or more appropriate to the district than the existing nonconforming use. In permitting such change, the Planning Commission may require appropriate conditions and safeguards in accord with the provisions of this Ordinance.
3. When a nonconforming use of a structure, or structure and premises in combination, is, in fact, discontinued or abandoned for six (6) consecutive months, the structure, or structure and premises in combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located.
4. No nonconforming use of a structure, or structure and premises in combination, which has been damaged to the extent of more than sixty (60) percent of its fair market value immediately prior to damage, shall be rebuilt, altered, or repaired, except in conformity with the district regulations.

SECTION VIII-DISTRICT REGULATIONS

AGRICULTURAL DISTRICT (A)

The intent of the Agricultural District is to help conserve good farming areas and to prevent such instances of uncontrolled, uneconomical spread of residential development which result in excessive costs to the community for premature provision of essential public improvements and services:

1. Permitted Principal Uses:
 - a. Farming, dairying, and grain storage facilities, provided that no poultry or domestic farm animals normally having four legs shall be kept within the village limits and that livestock feedlots shall not be located nearer than one mile from the village limits.
 - b. In-season roadside stands for the sale of farm products produced on the premises.
 - c. Nurseries, greenhouses and truck farming.
 - d. Forestry, grazing, hatcheries, nurseries, orchards, paddocks, poultry farms, stables and truck farming.
 - e. Uses customarily incident to any of the above uses, including residential uses incident to any of the above uses.

- f. Single-family non-farm residence.
 - g. Single-family residences, provided that they shall be located on a minimum ten-acre tract.
2. Permitted Conditional Uses:
- a. Schools, parks, cemeteries, churches, municipal buildings and charitable institutions.
 - b. Airports.
 - c. Fur farms; kennels; and other breeding, growing or farming activities, so long as they do not cause noise, noxious odors, or create health and sanitation hazards constituting public nuisance.
 - d. Tourist camps, cabin, trailer, tent and house car camping grounds, provided the sites are located at least one-half mile from the boundary of any residential district, and that the camp is provided with adequate sanitary facilities and is clearly bounded by a screening material. No person or party other than the owner shall occupy such facilities for more than thirty (30) days in any one year.
 - e. Water storage tanks, sewage disposal plants, and power stations, when completely enclosed by a suitable, attractive fence.
 - f. Construction within the flood prone areas and flood fringe areas as designated by the zoning map.
3. Dimensional Requirements:
- Maximum Building Height.....45 Feet (Excluding Farm Buildings)
- Minimum Side Yard:
- Principal Building.....10 Feet-Each Side
 - Accessory Building..... 5 Feet-Each Side
- Minimum Front Yard Setback.....35 Feet
- Minimum Rear Yard Setback.....35 Feet
- Minimum Lot Area Per Family.....10 Acres
- Off-Street Parking:
- (Places of Public Gathering)..1 Parking Space per 4 seats
- Minimum Residential Floor Area.....1,000 Square Feet

RESIDENTIAL DISTRICT

The District is intended to provide a quiet, pleasant and relatively spacious living area protected from traffic hazards and intrusion of incompatible land uses.

- 1. Permitted Principal Uses:
 - a. Single-family, two-family dwellings.
 - b. Production of agricultural products, provided that no poultry or domestic farm animals normally having four legs shall be kept within the corporate limits, and that livestock feedlots shall not be located within one mile from the village limits.
 - c. Uses customarily incident to any of the above uses; provided that no such use generates traffic or noise that would create a public or private nuisance.
- 2. Permitted Conditional Uses:
 - a. Multiple family dwellings;
 - b. Customary home occupations.
 - c. Churches, schools, libraries, and hospitals.
 - d. Municipal buildings (except sewage plants, garbage incinerators, warehouses, garages, shops and storage yards.

- e. Public parks, playgrounds, recreational and community center buildings and grounds.
- f. Funeral homes and health office facilities.
- g. Mobile homes, mobile home parks and mobile home subdivisions, provided their location is approved and a license granted (by the Village Board of Trustees after a public hearing) as part of a planned mobile home development. A planned mobile home development is intended to be exclusively for residential use of mobile homes and shall comply with the following restrictions:
USE: Only the following uses and buildings shall be permitted:

Single family mobile homes.

Office and dwelling for the owner or administrator of the mobile home development.

Buildings, including toilets, bathhouses, clothes washing facilities, community recreation buildings, and similar services, for residents of the mobile home development.

HEIGHT: No mobile home or building shall exceed one story or 15 feet in height.

YARDS: Every planned mobile home development shall have minimum setbacks of 40 feet on the outer perimeter.

SPACING OF UNITS: Mobile homes shall not be placed closer than 20 feet apart.

AREA: Each planned mobile home development shall have a minimum area of one and one-half acres. Each mobile home lot shall have a minimum lot area of 3,000 square feet and a minimum lot width of 40 feet.

ADDITIONAL REQUIREMENTS: In addition to the foregoing, the Village Board of Trustees may impose such other conditions, requirements or limitations concerning the design, development and operation of such mobile home developments as it may deem necessary for the protection of adjacent properties and the public interest.

3. General Dimensional Requirements for District:

Maximum Building Height.....35 Feet

Minimum Side yard:

Principal Buildings

Single Family Structure.. 7 Feet Least Width
17 Feet Total

Two-Family Structure.....10 Feet Least Width
25 Feet Total

Accessory Structure..... 5 Feet-each side

Minimum Front Yard Setback.....25 Feet

Minimum Rear Yard Setback.....30 Feet

Minimum Lot Area Per Family:

Single Family Structure..7,500 Square Feet

Two Family Structure.....5,000 Square Feet per dwelling unit

Minimum Lot Width.....75 Feet

Minimum Floor Area Per Family:

Single Family Structure..1,000 Square Feet

Two-Family Structure.....800 Square Feet

Off-Street Parking:

Residential.....1 Parking space per family

Places of Public Gathering...1 parking space per 4 seats

COMMERCIAL DISTRICT

The District is intended to provide an area for the business and commercial needs of the Village. The following uses of land are permitted:

1. Permitted Principal Uses:

General business and commercial uses which do not generate noise or odors that would create a public or private nuisance. These uses generally include:

- a. Banks, commercial or professional offices, telephone offices and post offices.
- b. Hotels, clubs, lodges and organizations which operate for a profit.
- c. Places of amusement; theaters, night clubs, bars and related uses.
- d. Personal service establishments.
- e. Retail and wholesale establishments, except those as specifically enumerated under Permitted Conditional Uses in Commercial District.
- f. Other uses similar to or customarily incident to any of the above uses.
- g. Restaurants and other establishments selling prepared food.
- h. Municipal buildings (except sewage plants, garbage incinerators, warehouses, garages, shops and storage yards.)

2. Permitted Conditional Uses:

- a. Dwelling Units, provided the minimum requirements of the R-1 and R-2 Districts are adhered to, and the purpose and intent of the ordinance upheld.
- b. Building material sales and storage.
- c. Farm implement and motor vehicles sales and service establishments, and gasoline service stations.
- d. Recycling of paper, cans and bottles.

3. Dimensional Requirements:

Maximum Building Height - None

Minimum Side Yard - None (except where a commercial structure shall directly abut a residence district, in which case a 15-foot side yard will be required, including a solid fence, wall, or screen planting not less than three (3) feet high.

Minimum Front Yard Setback - None (except where a commercial structure shall directly abut a residence district, in which case a 25-foot yard will be required).

Minimum Rear Yard Setback - 15 Feet

Minimum Lot Area per Family - Same as R-1 and R-2 Districts

Minimum Lot Width - 30 Feet

Truck Unloading Area - Sufficient space so that no streets or alleys need be blocked.

INDUSTRIAL DISTRICT

The Industrial District is intended to provide a setting for light industry that is attractive, suitable for efficient operations, and not objectionable to adjacent land uses.

1. Permitted Principal Uses:

- a. Agricultural farms, truck gardens, green houses, plant

nurseries, orchards and the usual agricultural farm buildings and structures, provided that no poultry or domestic farm animals normally having four legs shall be kept within the village limits, and that livestock feedlots shall not be located within one mile of the village limits.

- b. The following light industrial uses, except those which by reason of the emission of odor, dust, fumes, smoke, noise and other obnoxious characteristics, would be injurious to the public health, safety, and general welfare:
 - (1) Assembly of metal products
 - (2) Concrete or concrete products manufacture
 - (3) Dyeing and cleaning establishments
 - (4) Hatcheries
 - (5) Bottling works
 - (6) Laboratory
 - (7) Manufacture and assembly of electrical and electronic appliances
 - (8) Manufacturing, compounding, processing, packaging, or treatment of articles or merchandise from previously prepared materials, such as bone, cloth, aluminum, cork, fiber, leather, glass, plastic, paper, stones, tin, rubber and paint
 - (9) Manufacture of light sheet metal products, including heating and ventilation equipment
 - (10) Machine shop or other metal working
 - (11) Printing and publishing business
 - (12) Stone and monument works
 - (13) Enclosed truck and freight terminal
 - (14) Warehouses and wholesale business
 - (15) Contractor's offices and shops (if enclosed)
 - (16) Commercial activities normally associated with a principal permitted industrial use are permitted, provided that the commercial activity meets all minimum requirements of the Commercial District
 - (17) Utility Substations
 - (18) Construction material manufacture, storage, and/or sales; grain storage and sales facilities, creameries and production of agricultural products
- 2. Permitted Conditional Uses:
 - a. All other uses not specifically provided herein.

SECTION IX-ZONING BOARD OF ADJUSTMENT

- 1. A Zoning Board of Adjustment is hereby established which shall consist of the members of the Malcolm Village Board of Trustees.
- 2. Appeals to the Zoning Board of Adjustment may be taken by any person aggrieved or by any officer, department, board or bureau of the municipality affected by any decision of the Building Inspector. Such an appeal shall be taken within thirty (30) days after written notification of the decision of the Building Inspector. The Village Board of Trustees may establish a fee schedule for such appeals.
- 3. The Zoning Board of Adjustment shall have only those powers specifically authorized by Nebraska Revised Statutes Section 19-910, and shall operate as provided by Nebraska Revised Statutes Section 19-908 through 19-911.

SECTION X-ENFORCEMENT AND PENALTIES

1. The Village Board hereby requires that the Building Inspector enforce this ordinance by means of land use permits, the cost of which shall be established by the Village Board. Permit fees for farm dwellings, farm structures, and agricultural land uses located outside the Village of Malcolm shall not be levied.
2. The Building Inspector shall not issue a permit for a structure or a use that is not allowed by this ordinance. No structure shall be built, moved, or altered, and no land use shall be substantially altered, until a land use permit has been issued.
3. Applications for any land use permit shall be accompanied by a site plan showing the location, size and shape of the lot or lots involved, and any proposed structure, and the existing and proposed use of each structure, and the existing and proposed use of each structure and lot or lots, and in the case of residential development, the number of families expected to be accommodated.
4. A violation of any section of this ordinance is a misdemeanor, and punishable by fine of not exceeding one hundred dollars (\$100.00) for any one offense, recoverable with costs, together with judgment of imprisonment until the amount of said fine and costs shall be paid. Each day of violation may be counted as a separate offense. The Village Board of Trustees may take such other actions as are specified by Nebraska State Statute Section 19-913 to deal with violations.

SECTION XI-AMENDMENTS

1. This Zoning Ordinance and Zoning Map may be amended or changed by action of the Malcolm Village Board of Trustees in accordance with the procedures specified by Nebraska Revised Statutes Section 19-901, 19-904 and 19-905.
2. An amendment may be initiated by the Malcolm Village Board of Trustees, Malcolm Planning Commission, or a property owner. An application for an amendment shall be submitted to the Planning Commission on forms obtained from the Building Inspector. The fee for application for amendment by a property owner shall be fifty dollars (\$50.00).

SECTION XII-CONFLICT WITH OTHER REGULATIONS

1. Whenever the regulations of this ordinance require a greater width or size of yards, courts, or other open space; or require a lower height of buildings or lesser number of stories; or require a greater percentage of lot to be left unoccupied; or impose other more restrictive standards than are required in or under any other statutes or agreements, the regulations and requirements of this Ordinance shall govern.
2. Whenever the provisions of any other statute or agreement require more restrictive standards than are required by this Ordinance, the provisions of such statute or agreement shall govern.

SECTION XIII-REPEAL OF CONFLICTING ORDINANCES

All other ordinances and parts of ordinances in conflict herewith are repealed.

SECTION XIV-SEVERABILITY

Should any section or provisions of this Ordinance be declared by the courts to be unconstitutional or invalid, such declaration shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be unconstitutional or invalid.

SECTION IV-EFFECTIVE DATE

This Ordinance shall take effect and be in force from and after its adoption by the Village Board of Trustees of the Village of Malcoln.

PASSED AND ADOPTED by the Village Board of Trustees of the Village of Malcoln, Nebraska this 3rd day of January, 1990.

/s/ Randy Watson
Chairman, Board of Trustees

ATTEST:

/s/ Rex Guerin
Village Clerk